IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WA.No. 651 of 2007()

AGAINST THE JUDGEMENT IN WPC.688/2007 Dated 05/01/2007
.....

APPELLANT:

P.K.MOHANAKUMARAN NAIR, PROJECT OFFICER/
VILLAGE INDUSTRIES ORGANISER,
OFFICE OF KERALA KHADI AND VILLAGE INDUSTRIES
BOARD, VANCHIYOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI
SRI.M.S.NISHAD

RESPONDENTS: PETITIONERS & RESPONDENTS
---

1. THE KERALA KHADI AND VILLAGE INDUSTRIES
BOARD, REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

2. JOB J., JUNIOR SUPERINTENDENT KERALA
KHADI AND VILLAGE INDUSTRIES BOARD
THIRUVANANTHAPURAM, NOW WORKING AT DISTRICT
KHADI AND VILLAGE INDUSTRIES OFFICE, KOLLAM.

3. SEBASTIAN K.J. U.D.CLERK, (H.GR)
KERALA KHADI AND VILLAGE INDUSTRIES BOARD,
VANCHIYOOR, THIRUVANANTHAPURAM.

BY SRI.K.P.HARISH, S.C., KHADI BOARD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

W.A.No.651 of 2007

Dated 20th March, 2007.

J U D G M E N T

Kurian Joseph, J.

This writ appeal is directed against the judgment dated 5.1.2007 in W.P.(C) No.688/07. The apprehension of the appellant is that the first respondent Khadi Board has understood the judgment under appeal as a direction by this Court to consider the representations, Exts.P1 and P2 therein filed by the respondents 2 and 3 herein, in the light of the decision of the Supreme Court in **Prakash v. Kurian** (1999(2) KLT 710). It is the contention of the appellant that the said decision has no application to the facts and circumstances of this case. We are afraid, there is no basis for the apprehension expressed by the appellant. There is no direction by this Court in the judgment under appeal to take a decision on the representations filed by the writ petitioners therein, in the light of the decision of the Supreme Court in **Prakash's case**(supra). It is true that the petitioners therein have placed reliance on the judgment in **Prakash's case**. However, the direction by the court is only to take a decision on the representations after hearing the petitioners and all affected parties. The direction is not to take a

decision in the light of the decision in **Prakash's case,** but take a decision adverting to the contentions taken by the writ petitioners and the affected parties. Therefore, it will be open to the appellant to take all his contentions before the first respondent Khadi Board and the Board will pass appropriate orders adverting to the contentions taken by the appellant herein also. In that view of the matter, it is not necessary to admit this writ appeal and consider the contentions on merits. All those contentions are left open with liberty to the appellant to take the same before the first respondent. Needless to say that the appellant herein will also be afforded an opportunity for hearing by the first respondent while passing orders pursuant to the judgment under appeal.

The writ appeal is disposed of as above.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

tgs

KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 8th March, 2007.